

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
SHARYN L. CALCAVECCHIO, RN	:	
License # 26NR14202400	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Sharyn L. Calcavecchio ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May2, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was

asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent had been discharged from staff at Hunterdon Developmental Center amidst allegations that Respondent had said inappropriate things to a client as witnessed by a student nurse who was observing Respondent's care of the client, respondent appeared at an investigative inquiry before a committee of the Board on March 27, 2015. Within days of the incident in October 2013, Respondent traveled to Florida and entered the Recovery and Monitoring Institute of Florida as an inpatient for approximately seven weeks. When asked if she would currently undergo an evaluation by a Board-approved evaluator, respondent answered "Absolutely, I'd have no problem doing that."

4. by letter and subpoena dated February 19, 2015, Respondent was asked to provide proof of completion of continuing education for the last four years. Respondent provided proof of completion of the following continuing education:

0 hours completed within June 1, 2011 - May 31, 2013 and

61.9 hours completed within June 1, 2013 - May 31, 2015.¹

CONCLUSIONS OF LAW

Based upon Respondent's testimony, the Board finds that testing, monitoring evaluation and treatment are warranted, as a condition for continued licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-21(e).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in

¹ Respondent provided other documentation, but the documentation did not constitute valid proof of completion of continuing education for nurses as it lacked contact hours or a statement that the course had been approved and/or accredited as continuing education for nurses.

violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h). Respondent may apply 30 of the hours earned in the June 1, 2013-May 31, 2015 biennial period to cure the deficiency of the June 1, 2011 - May 31, 2013 period.

Respondent's answer on her 2013 renewal application, whereby she answered that she had completed the required continuing education when she is unable to demonstrate that she did so constitutes the use of misrepresentation and subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 2, 2015, provisionally ordering respondent to undergo evaluation and monitoring under the auspices of RAMP, and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or

other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Calcavecchio responded to the Provisional Order. She acknowledged that she was unable to document timely completion of required continuing education for the 2011-2013 licensing cycle. Ms. Calcavecchio also professed her reluctance to enroll in RAMP, based upon her having already participated in a program in Florida, an experience she found "degrading, disheartening and disappointing." Ms. Calcavecchio maintains that she sees no need for enrollment in the RAMP program, although she professes to be willing to undergo evaluation by a counselor of the Board's choice, and to undergo random screenings. The Board considered this matter, and noted that the Board relies on RAMP to coordinate screenings and arrange for appropriate evaluations. Ms. Calcavecchio asks the Board to rely upon her having participated in a program of which she is herself highly critical. The Board determined that micromanaging respondent's evaluation and monitoring, without resorting to RAMP, would be both inefficient and counterproductive. Therefore, the Board determined that the Provisional Order should be finalized without modification, imposing the reprimand and \$250 penalty for the violations relating to continuing education, and

requiring Ms. Calcavecchio to enroll in RAMP for evaluation and monitoring.

ACCORDINGLY, IT IS on this 24th day of November, 2015,

ORDERED that:

1. Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP). Respondent shall contact RAMP and enroll in and begin participation with RAMP within 30 days of the filing of this order. Failure to undergo evaluation shall be considered the violation of a Board Order and may result in the imposition of additional discipline, including suspension of Respondent's license to practice.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

3. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by

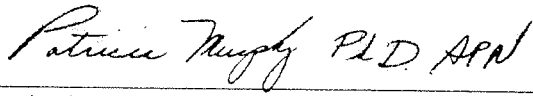
certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment shall be rejected and shall be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

5. The Board reserves the right to initiate disciplinary proceedings based upon the results of the comprehensive mental health and substance abuse evaluation or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
President